

# IN THE HIGH COURT OF SINDH AT KARACHI

**C.P.No. S-707 of 2025**

***Hina Bilal and another  
Versus  
Ahmed Bilal and others***

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Date

Order with Signature of Judge(s)

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**Date of Hearing: 23.02.2026.**

**Date of Judgment: 09.03.2026.**

M/s. Burhan Khan Jagerani and Talha Azin, Advocates for petitioners.  
M/s. Javed Haleem and Maarij Javed, Advocates for Respondent No.1.

## ORDER

**ZULFIQAR ALI SANGI, J:** The instant Constitutional Petition has been filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (***“the Constitution”***), calling in question the concurrent findings recorded by the learned XIXth Family Judge, Karachi South, vide judgment and decree dated 08.01.2025 passed in Family Suit No.1125 of 2024, as well as the Judgment dated 16.07.2025 rendered by the learned Appellate Court in Family Appeal No.22 of 2025, whereby the appeal preferred by the Petitioners for enhancement of maintenance was dismissed and the Decree of the trial Court was maintained.

2. The relevant facts, as borne out from the record, are that the marriage between Petitioner No.1 and Respondent No.1 was solemnized on 16.08.1994 in accordance with Islamic Shariah. The dower (Haq Mehr) was fixed at Rs.200,000/-. Three daughters were born out of the wedlock, two of whom are married, whereas Petitioner No.2 remains unmarried and is stated to be financially dependent upon her father. Due to matrimonial discord, Respondent No.1 pronounced divorce upon Petitioner No.1 on 30.05.2024. Thereafter, the Petitioners instituted Family Suit No.1125 of 2024 seeking recovery of dower, maintenance for Petitioner No.1, and maintenance including educational expenses for Petitioner No.2.

3. During the pendency of the suit, interim maintenance in the sum of Rs.180,000/- per month was fixed for Petitioner No.2. Upon conclusion of trial and recording of evidence, the learned Family Judge vide judgment dated 08.01.2025 decreed the suit to the extent of: (i) maintenance of Rs.25,000/- per month in favour of Petitioner No.1 for four months only; (ii) dower amount of Rs.200,000/-; (iii) maintenance of Rs.80,000/- per month in favour of Petitioner No.2 with 10% annual increment; and (iv) direction to deposit school/university fees of Petitioner No.2 directly in the concerned institution.

4. Being dissatisfied, the Petitioners preferred Family Appeal No.22 of 2025 seeking enhancement of maintenance. The learned Appellate Court, after hearing the parties, dismissed the appeal vide Judgment dated 16.07.2025 and maintained the findings of the trial Court. Hence, the present Constitutional Petition.

5. The principal contention of learned counsel for the Petitioners is that the Courts below misread and failed to appreciate material evidence regarding the financial status of Respondent No.1, who is alleged to be holding a high-ranking corporate position and possessing substantial income and assets. It is argued that Respondent No.1 deliberately withheld salary slips, bank statements, and tax documents, thereby attracting an adverse inference, which the Courts below failed to draw. It is further contended that the reduction of interim maintenance from Rs.180,000/- to Rs.80,000/- per month is arbitrary and without lawful justification. Reliance has been placed upon the judgment of the Supreme Court in *Muhammad Asim and others v. Mst. Samro Begum and others* (PLD 2018 SC 819), wherein the principle of fair and reasonable maintenance proportionate to the father's means was emphasized.

6. Conversely, learned counsel for Respondent No.1 has argued that both Courts below have recorded concurrent findings of fact after proper appraisal of oral and documentary evidence, and constitutional jurisdiction cannot be invoked for reappraisal thereof. It is submitted that Respondent No.1 complied with interim and final orders, paid the dower amount along with iddat maintenance, and continues to bear educational expenses of Petitioner No.2. It is further argued that

Petitioner No.1, being divorced, is not entitled to maintenance beyond the iddat period, and the award of four months' maintenance sufficiently covers that entitlement.

7. I have heard learned counsel for the parties at considerable length and have examined the record with their assistance.

8. At the outset, it is to be noted that the jurisdiction of this Court under Article 199 of the Constitution is supervisory in nature. It is well-settled that where two Courts below have recorded concurrent findings of fact after appreciation of evidence, this Court would not ordinarily interfere unless such findings suffer from patent illegality, jurisdictional defect, misreading or non-reading of material evidence, or are perverse in nature.

9. The Honourable Supreme Court in PLD 2018 SC 819 has indeed emphasized that maintenance must be determined in accordance with the status and means of the father and the reasonable needs of the dependents. However, the said principle does not authorize the Constitutional Court to substitute its own assessment in place of that made by the Courts below, unless it is shown that the assessment was arbitrary or based on no evidence.

10. Insofar as maintenance of Petitioner No.1 is concerned, the admitted position is that divorce was pronounced on 30.05.2024. Under the settled principles of Islamic law and the governing statutory framework, a divorced wife is entitled to maintenance during the period of iddat only, unless otherwise contractually agreed. The learned Family Judge awarded maintenance of Rs.25,000/- per month for four months, which substantially corresponds with the iddat period. No material has been shown to establish any contractual stipulation entitling Petitioner No.1 to post-iddat maintenance. The concurrent findings on this aspect do not suffer from any jurisdictional defect or legal infirmity.

11. With regard to Petitioner No.2, it is an admitted position that she is unmarried and pursuing education. A father is under a continuing legal obligation to maintain his unmarried daughter so long as she remains dependent. The trial Court initially fixed interim

maintenance at Rs.180,000/- per month; however, it is equally settled that interim orders are tentative and subject to final adjudication upon recording of evidence. The learned Family Judge, after evaluating the evidence regarding the Respondent's income and the expenses of Petitioner No.2, fixed maintenance at Rs.80,000/- per month with 10% annual increment, in addition to directing direct payment of educational fees. The appellate Court reappraised the record and found no ground to enhance the amount.

12. The argument that adverse inference ought to have been drawn for non-production of financial documents was duly considered by the Courts below. The record reflects that the Respondent's income was assessed on the basis of available material. The Petitioners, on whom the burden lay to substantiate the alleged higher income and extravagant lifestyle, failed to produce cogent documentary proof. Mere assertions without corroboration cannot form the sole basis for enhancement. Furthermore, the direction to deposit educational fees directly in the institution cannot be treated as a substitute for maintenance; rather, it is an additional safeguard ensuring that educational expenses are duly met. Thus, the total financial obligation imposed upon Respondent No.1 is not confined to Rs.80,000/- per month alone.

13. It is also pertinent to observe that no material illegality, perversity, or non-reading of evidence has been demonstrated which would warrant interference in constitutional jurisdiction. The impugned judgments are reasoned, reflect consideration of relevant factors, and do not disclose any jurisdictional error. The Constitutional Court does not sit as a Court of further appeal. Reappraisal of evidence and re-determination of quantum of maintenance fall within the domain of the trial and appellate Courts constituted under the Family Courts Act. In absence of any patent illegality or violation of law, interference would amount to transgressing the limits of Article 199 of the Constitution.

14. For the foregoing reasons, I am of the considered view that the Petitioners have failed to make out a case for interference with the concurrent findings recorded by the learned Courts below. The

Constitutional Petition is, therefore, dismissed. The impugned judgments dated 08.01.2025 and 16.07.2025 are maintained.

15. There shall be no order as to costs.

JUDGE